

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12CV464-FDW-DSC**

<b>MARIA MCNULTY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>MEMORANDUM AND ORDER</u></b>
	)	
<b>US AIRWAYS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width:40%; margin-left:0"/>	)	

**THIS MATTER** is before the Court on Defendant’s “Motion to Compel Initial Disclosures and Discovery Responses and for Sanctions” (document #46) and “... Memorandum ... in Support ...” (document #47), both filed on October 7, 2013.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and is now ripe for the Court’s consideration.

For the reasons stated in its Motion and supporting brief, and having conferred with the chambers of the Honorable Frank D. Whitney, the Court orders the pro se Plaintiff to serve her Rule 26(a) Initial Disclosures and respond to Defendant’s First Set of Interrogatories and First Requests for Production of Documents.

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party’s failure to obey rules governing discovery and orders of the District Court. See Fed. R. Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); and Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

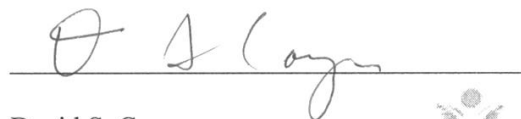
Accordingly, the Court warns Plaintiff that failure to provide full and complete Initial Disclosures and responses to Plaintiff's Interrogatories and Requests for Production of Documents or failure to respond to any other of the Defendant's reasonable discovery requests, or to otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Plaintiff being ordered to pay Defendant's costs, including reasonable attorney's fees in their entirety, and may also include dismissal of the Complaint with prejudice.**

**NOW THEREFORE, IT IS ORDERED:**

1. Defendant's "Motion to Compel Initial Disclosures and Discovery Responses and for Sanctions" (document #46) is **GRANTED IN PART** and **DENIED IN PART**. Within fifteen days of the date of this Memorandum and Order, Plaintiff shall provide full and complete Initial Disclosures and responses to Defendant's First Set of Interrogatories and First Requests for Production of Documents.
2. The parties shall bear their own costs at this time.
3. The Clerk is directed to send copies of this Memorandum and Order to pro se Plaintiff; to defense counsel; and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: October 7, 2013



David S. Cayer  
United States Magistrate Judge

